IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

MACA.No. 2082 of 2007()

OPMV.3638/2001 of MOTOR ACCIDENT CLAIMS TRIBUNAL, THRISSUR
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APPELLANT/3RD RESPONDENT IN O.P.M.V.

THE NEW INDIA ASSURANCE CO.LTD.,
CHANGYIL BUILDINGS, COLLEGE ROAD,
PATHANAMTHITTA, REPRESENTED BY ITS MANAGER.

BY ADV. SRI.KKM.SHERIF
SRI.A.A.ZIYAD RAHMAN

RESPONDENTS:
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1. RAMU, AGED 55 YEARS,
S/O.SUBHAYYA KONAR, THOPPUPARAMBIL HOUSE,
A.K.G.NAGAR, POOMKUNNAM, THRISSUR,
(DIED ON 30.12.2001).

2. RUGMINI, W/O.LATE RAMU KONAR,
THOPPUPARAMBIL HOUSE, A.K.G.NAGAR,
POOMKUNNAM, THRISSUR.

3. MAHESWARI @ RAJASREE,
D/O.LATE RAMU KONAR, THOPPUPARAMBIL HOUSE,
A.K.G.NAGAR, POOMKUNNAM, THRISSUR.

4. SREEKUMAR, S/O.LATE RAMU KONAR,
THOPPUPARAMBIL HOUSE, A.K.G.NAGAR, POOMKUNNAM,
THRISSUR.

5. R.MADHU, PROPRIETOR,
SANDHYA FLAMERS, ARANMULA,
PATHANAMTHITTA.

6. BIJUMON, S/O.AZHAKI,
KATTAVETTIYIL HOUSE, ANDOOR,
MANGATTUPALLY, PALA, KOTTAYAM DISTRICT.

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 20/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.S.RADHAKRISHNAN & T.R.RAMACHANDRAN NAIR, JJ.

M.A.C.A.No.2082 OF 2007

Dated this the 20th day of November, 2007

JUDGMENT

Radhakrishnan, J.

There is a delay of 197 days in filing the appeal. We have perused the award. The Insurance Company filed a written statement admitting the policy but seriously disputed the liability stating that no accident took place. The main contention raised by the appellant was that the death of the first respondent was not due to the injuries sustained in the accident. The Tribunal on the basis of Ext.X1 and other documents declared that accident had taken place and directed the insurance company to pay a sum of Rs. 3,02,500/- as compensation. In the absence of any contract, we find no reason to take a different view from that of the Tribunal. Petition for condonation of delay is condoned. Hence Appeal is dismissed.

K.S.RADHAKRISHNAN
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

sv.